

The City Attorney
City of San Diego
MEMORANDUM
236-6220

DATE: March 15, 1988

TO: Deputy Mayor Gloria D. McColl
FROM: City Attorney
SUBJECT: Council Action on City Heights Business
Improvement District

This is in response to your memorandum of March 11, 1988, addressed to Chief Deputy Jack Katz via City Attorney John Witt. You ask first whether you may initiate a 1472 request to expedite Council action on the City Heights Business Improvement District (BID) agreement with the City so that the BID may begin to receive its assessed funds for approved BID purposes. You question this because you own property within the City Heights BID.

We find that you may initiate the 1472, since that does not involve participating in or making a governmental decision within the meaning of Government Code Section 87100. Initiating the 1472 involves merely an administrative or ministerial act, not a discretionary one. See the discussion in 52 Cal.Jur.3d Public Official Section 170 for the distinction between ministerial and discretionary acts. You are not taking a position on this matter by signing the 1472, nor are you attempting to influence your fellow Councilmembers in the matter.

Your next query is whether you may participate in the discussion and vote once the matter is on the Council docket. We find that you may not do so for the reasons set forth in a memorandum of law addressed to you on January 13, 1987, by Ted Bromfield, Chief Deputy City Attorney, regarding Conflict of Interest Problems. A copy of that memorandum is attached for your convenience.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire
Deputy City Attorney

CCM:fs:048
Attachment
MS-88-3